

## **REMARKS**

The Office Communication states that the reply filed on August 24, 2006 is not fully responsive to the prior Office Action dated April 28, 2006 because, “newly added claims have not been considered in light of the prior art as required by 37 C.F.R. 111(b), (c). See 37 CFR 1.111.” This appears to be a reference to 37 C.F.R. §1.111(b), (c), which states, “The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.” Therefore, remarks are added that specifically point out distinctions believed to render new claims patentable. These remarks are in addition to remarks with respect to previously rejected claims. Because the remarks now address all claims, including newly presented claims, this response is believed to be fully responsive to the Office Action.

Claims 1-37 are pending in the present application. New claims 38-42 are added by amendment. Reconsideration of all claims is requested in light of the arguments presented below.

### **Claim Rejections under 35 USC 102**

Claims 1-37 are rejected under 35 USC 102(a) as being anticipated by Applicant Admitted Prior Art (AAPA). With respect to claim 1 the Office Action appears to equate zones of AAPA with planes of claim 1. “AAPA discloses a method of storing data in a memory array that includes a plurality of individually erasable erase blocks arranged in separately programmable planes [cells are grouped into two or more zones (page 4, paragraph 0010)],” Office Action, page 2, lines 13-16. To the extent that zones are considered as planes, the rejection is not understood. In particular, claim 1 recites “selecting a number of erase blocks from different planes of the array to form an adaptive metablock ... and programming the erase blocks in the adaptive metablock in parallel.” The AAPA does not appear to teach selecting a number of erase blocks from different zones and programming them in parallel. Therefore, clarification of this point is requested. Specifically, it is requested that any future rejection identify a particular portion of AAPA that indicates selection of erase blocks from different zones for parallel programming.

In addition, claim 1 recites, "the number of erase blocks in the adaptive metablock selected from a range of possible values." No such selection appears to be disclosed by AAPA. In particular, AAPA states "each metablock is defined to include one erase block from each plane," page 5, paragraph [0011]. The number of erase blocks in such a metablock appears to be established by the number of planes in the memory array and is thus fixed. Thus, the number of erase blocks in such a metablock is predetermined and is not selected from a range of possible values. Because these features of claim 1 have not been shown, claim 1 is submitted to be allowable.

Claim 5 was rejected on the same grounds as used to reject claim 1. Claim 5 recites, "an individual plane being chosen according to the number of available erase blocks in the plane." No such criteria for choosing planes appear to be identified by the Office Action. Because the Office Action has not shown this feature, anticipation has not been shown and therefore claim 5 is submitted to be additionally allowable.

Claim 2 recites, "the range of possible values is from one to the number of separately programmable planes in the memory array." The Office Action cited a metablock having one erase block from each plane, "metablock is defined to include one erase block from each plane," Office Action page 3, lines 4-5, citing AAPA. This appears to disclose a single value, not a range of values. In particular, no value less than the number of separately programmable planes in the memory is disclosed. Because this additional claim element has not been shown, claim 2 is submitted to be additionally allowable.

Claim 3 recites, "programming the erase blocks in the adaptive metablock in parallel takes place in parallel with programming a plurality of erase blocks that are not in the adaptive metablock." Paragraph [0009] of AAPA was cited as showing these features. However, paragraph [0009] does not appear to disclose parallel programming of a selected number of erase blocks of an adaptive metablock in parallel with other erase blocks that are not in the adaptive metablock. Thus, claim 3 is submitted to be additionally allowable.

Claim 4 recites, "the plurality of erase blocks that are not in the adaptive metablock are in another metablock." No such other metablock appears to be disclosed by paragraph 0009. Therefore, claim 4 is submitted to be additionally allowable.

Claim 6 is amended for clarification. Claim 6 recites, "a logical group is programmed to an adaptive metablock such that each of the erase blocks in the adaptive metablock contains at least one addressable unit of data from the logical group." The Office Action cited "grouping into zones (page 4, paragraph [0010])," page 3, line 16, as showing these features. However, it is not clear how zones correspond to the claimed features. In particular, it is not clear how zones indicate the distribution of data of claim 6. Clarification is requested.

Claims 7-37 were rejected for the same reasons as given with respect to claims 1-6. The Office Action stated, "claims 7-37 encompass the same scope of the invention as those of claims 1-7," page 3, lines 17-18. Insofar as claims 7-37 encompass the same scope as claims 1-6, such claims are submitted to be similarly allowable. Insofar as claims 7-37 recite additional limitations, anticipation has not been shown with respect to these claims and therefore such claims are submitted to be allowable.

#### **New Claims**

Claims 38-42 are added by the present amendment. Claim 38 is submitted to be allowable over AAPA at least for similar reasons to those given above with respect to claim 1.

Claim 38 recites, "selecting a second number of erase blocks for storage of the first number of sectors, each of the second number of erase blocks located in a different plane" and "programming the first number of sectors to the second number of erase blocks in parallel." The Office Action appeared to equate zones of AAPA with planes as discussed above with respect to claim 1. However, the AAPA does not appear to teach selecting a number of erase blocks from different zones and programming them in parallel. Thus, it does not appear that the AAPA discloses the limitations of claim 38 cited above.

In addition, claim 38 recites, "the second number being less than the number of planes in the memory, the second number being the smallest number of erase blocks that can contain the first number of sectors." No selection of such a number of erase blocks appears to be disclosed by AAPA. In particular, AAPA states "each metablock is defined to include one erase block from each plane," page 5, paragraph [0011]. The number of erase blocks in such a metablock appears to be equal to the number of planes in the memory array, not less than the number of planes in the memory array. The number of erase blocks in such a system appears to be

predetermined and it is not selected to be the smallest number of erase blocks that can contain a particular number of sectors. Because these features of claim 38 have not been shown, claim 38 is submitted to be allowable.


Claims 39-42 depend from claim 38 and are therefore submitted to be allowable at least for depending from an allowable base claim. In addition, claims 39-42 recite additional limitations that do not appear to be shown in the AAPA.

**Conclusion**

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned at 415-318-1163 would be appreciated.

**FILED VIA EFS**

Respectfully submitted,

  
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11/22/06  
Date

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